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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/497,244 | 02/03/2000 | Russell Jarvors | 3910.164 | 7255 |

29858 7590 05/03/2002

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[REDACTED] EXAMINER

DALENCOURT, YVES

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2635 | |

DATE MAILED: 05/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|---|---|---------------------------------------|
| Office Action Summary | Application No. 09/497,244 | Applicant(s) Russell Javors |
| | Examiner Yves Dalencourt | Art Unit 2635 |
| |  | |
| <i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i> | | |
| Period for Reply | | |
| <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> | | |
| <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | |
| Status | | |
| <p>1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Jan 17, 2002</u></p> | | |
| <p>2a) <input checked="" type="checkbox"/> This action is FINAL. 2b) <input type="checkbox"/> This action is non-final.</p> | | |
| <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p> | | |
| Disposition of Claims | | |
| <p>4) <input checked="" type="checkbox"/> Claim(s) <u>2-9, 11, and 24-36</u> is/are pending in the application.</p> | | |
| <p>4a) Of the above, claim(s) _____ is/are withdrawn from consideration.</p> | | |
| <p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p> | | |
| <p>6) <input checked="" type="checkbox"/> Claim(s) <u>2-9, 11, and 24-36</u> is/are rejected.</p> | | |
| <p>7) <input type="checkbox"/> Claim(s) _____ is/are objected to.</p> | | |
| <p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p> | | |
| Application Papers | | |
| <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> | | |
| <p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p> | | |
| <p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved.</p> | | |
| <p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p> | | |
| Priority under 35 U.S.C. § 119 | | |
| <p>13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> | | |
| <p>a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:</p> | | |
| <p>1. <input type="checkbox"/> Certified copies of the priority documents have been received.</p> | | |
| <p>2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> | | |
| <p>3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> | | |
| <p>*See the attached detailed Office action for a list of the certified copies not received.</p> | | |
| <p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p> | | |
| Attachment(s) | | |
| <p>15) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> | | |
| <p>16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> | | |
| <p>17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>10</u></p> | | |
| <p>18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p> | | |
| <p>19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> | | |
| <p>20) <input type="checkbox"/> Other: _____</p> | | |

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DETAILED ACTION

This action is responsive to amendment filed on 01/17/2002

Response to Amendment

The examiner has acknowledged the cancellation 12, the Terminal Disclaimer, the objection of claim 5 and the double patenting rejection have been withdrawn.

Response to Arguments

Applicant's arguments with respect to claims 2 - 9, 11, and 24 - 36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 - 9, 11, and 24 - 33, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders et al (US 4754255; hereinafter Sanders) in view of Hai-Ming Wu (US 4925427; hereinafter Wu).

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Regarding claims 2 - 4, 6, 7, 9, 11, 24, 26 - 33, and 36 Sanders et al teaches a user identifying vehicle control and security device which comprises a security alarm device (figure 3) comprising a controller (38, figure 3) and having an armed state and an unarmed state, the controller being responsive to a signal input to at least one input thereto cause the security alarm device to selectively assume the armed and unarmed states (paragraph bridging col. 4 & col. 5) ; a signaling device coupled to the controller and responsive thereto to provide an audio or visual alarm signal (paragraph bridging col. 10 & col. 11); the controller causing the signaling device to provide an alarm signal with a change of state of the security alarm device between its armed state and its unarmed state (col. 5, lines 14 - 43).

Sanders et al teaches all the limitations, but fails to specifically teach a toy.

However, Wu et al teaches in the same field of endeavor, a toy vehicle (title; abstract; col. 1, lines 54 - 55) for the purpose of providing enhanced appeal to children's toys. Claim 30 adds the limitations of a propulsion system (formed by a two-level cam 2) including an electric motor which propels the toy vehicle (11, figure 1) and a motor drive (gears) which selectively supplies power (by way of battery not shown) to the motor , the controller being coupled to the motor drive and causing the motor drive to selectively supply or not supply power to the electric motor when the security alarm device is in its unarmed state and to not supply power to the electric motor when the security alarm device is in its armed state (11; abstract at lines 3 - 5; note col. 1, lines 56/57; and col. 3, lines 23 - 32).

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Thus, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to have used a toy in Sanders et al's device as taught by Wu for the purpose of providing enhanced appeal to children's toys.

Regarding claim 5, Sanders et al and Wu teach all the limitations on claim 2, and Wu further teaches a toy wherein the toy comprises a toy vehicle and a propulsion system (formed by a two-level cam 2) including an electric motor which propels the toy vehicle (11, figure 1) and a motor drive (gears) which selectively supplies power (by way of battery not shown) to the motor , the controller being coupled to the motor drive and selectively supplying drive signals thereto at least in response to a signal at one input of the controller (11; abstract at lines 3 - 5; note col. 1, lines 56/57; and col. 3, lines 23 - 32).

Regarding claim 8, the examiner takes official notice that a remote control that includes an infrared transmitter and the receiver includes an infrared receiver is well known in the art.

Regarding claim 25, Sanders et al and Wu teach all the limitations on claim 2, and Sanders et al further teaches a sensor external to the controller coupled to at least one input of the controller , the controller selectively activating the alarm responsive to the sensor (col. 3, lines 49 - 61).

Regarding claims 34 - 35, Sanders et al and Wu teach all the limitations on claim 2, and Sanders et al further teaches a first manually actuatable control in response to actuation of which the controller causes the motor drive to supply power to the monitor in the unarmed state of the security alarm device; and a remote control device coupled to the controller and including the first

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control and a second manually actuatable control in response to actuation of which the controller causes the alarm device to change between its armed and unarmed states (col. 3, lines 25 - 48).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cynthia D. Prather (US Patent Number 5,924,507) discloses a powered toy vehicle with containment system.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on Monday through Thursday from 7:30AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Yves Dalencourt
Y.D.
April 10, 2001



BRIAN ZIMMERMAN
PRIMARY EXAMINER